

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 15-37 are pending after entry of the amendments set forth herein.

Claims 15-37 were examined. Claims 15-37 were rejected.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Telephone Interview

Applicants wish to extend their appreciation to the Examiner for the courtesy extended to Applicants' representative during the telephone interview conducted on June 29, 2006. During the telephone interview, the ScanAlyze and Buhler et al. (Dapple) references were discussed, and agreement was reached the an amendment to the independent claims of the instant application to recite that each graphically distinct graphical object represents a single characteristic of the data that is distinct from other characteristics represented by others of the graphically distinct objects" would overcome the rejections based on ScanAlyze and/or Dapple.

The Office Action

In the Official Action of August 26, 2005, claims 15, 22 and 25 were objected to for specified informalities. Claims 15, 22 and 25 have been canceled without prejudice above. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to claims 15, 22 and 25 as being moot.

Claims Rejected Under 35 U.S.C. Section 102(b) (ScanAlyze)

Claims 15, 18, 24-33 and 37 were rejected under 35 U.S.C. Section 102(b) as being anticipated by ScanAlyze (ScanAlyze User Manual). In view of the above amendment of claims 15 and 27, it is

respectfully submitted that the present claims are allowable over ScanAlyze, as noted in the description of the telephone interview, as agreed, since claims 18, 24-26, 28-33 and 37 each depend from one of claims 15 and 27.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 15, 18, 24-33 and 37 under 35 U.S.C. Section 102(b) as being anticipated by ScanAlyze (ScanAlyze User Manual), as being no longer appropriate.

Claims Rejected Under 35 U.S.C. Section 103(a) (ScanAlyze in view of Bassett, Jr. et al.)

Claims 16-17 and 34-35 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over ScanAlyze (ScanAlyze User Manual) in view of Bassett, Jr. et al., U.S. Patent No. 6,453,251 and Malamud et al., U.S. Patent No. 6,437,800. It is respectfully submitted that Bassett, Jr. et al. and Malamud et al. were applied for their teachings regarding tool tips and selecting a spot within a microarray and displaying a panel that presents specific information about the selected spot, respectively. It is respectfully submitted that neither of the teaching references provides any teaching or suggestion which would lead one of ordinary skill in the art to modify ScanAlyze to provide graphically distinct graphical objects of the type recited in claims 15 and 27. Since the rejected claims each depend from one of claims 15 and 27, it is respectfully submitted that these claims are also allowable.

Accordingly, in view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 16-17 and 34-35 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over ScanAlyze (ScanAlyze User Manual) in view of Bassett, Jr. et al., U.S. Patent No. 6,453,251 and Malamud et al., U.S. Patent No. 6,437,800, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 103(a) (ScanAlyze in view of Dapple)

Claims 19-23 and 36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over ScanAlyze (ScanAlyze User Manual) in view of Buhler et al. (Dapple: Improved Techniques for Finding Spots on DNA Microarrays). In view of the above amendment of claims 15 and 27, and the fact that each of claims 19-23 and 36 depends from one of claims 15 and 27, it is respectfully submitted that the present claims are allowable over ScanAlyze in view of Buhler et al., as noted in the description of the telephone interview, as agreed.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 19-23 and 36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over ScanAlyze (ScanAlyze User Manual) in view of Buhler et al. (Dapple: Improved Techniques for Finding Spots on DNA Microarrays), as being no longer appropriate.

Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10010327-1.

Respectfully submitted,

LAW OFFICE OF ALAN W. CANNON

Date: _____

7/11/06

By: _____



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